

REMARKS

Applicants respectfully request reconsideration of the instant application in the view of the following remarks. Claims 1-33, 39-71 are currently pending in the instant application. Claim 77 has been added. Applicants submit that support for the added claim may be found throughout the specification and originally-filed claims, and that no new matter has been added.

Rejection Under 35 USC § 102

Claims 1-33, 39-71 have been rejected under 35 U.S.C. 102(b) as being anticipated by Herz (U.S. 6,029,195). Applicants respectfully disagree and traverse the rejection.

The Examiner, during the May 15, 2007 interview, expressed a belief that the term “mixing” is read to include “‘clustering’ users with other users based upon said users’ preference and ‘validating’ as predicting preference information and Herz teaches in col 24 the clustering of users and in col 19, lines 10-15, Herz mentions predicting preference information.” Applicant disagrees, maintains and reasserts previous arguments that clustering is not akin and does not satisfy the “mixing” element as claimed.

Applicant further reasserts all other arguments made in Applicant’s previous response(s), and further notes the following distinctions.

In the Examiner’s Final Office Action, the Examiner mischaracterizes the claimed element of “providing trade-off questions relating to the attribute” (emphasis added) as somehow being equivalent to Herz by citing “column 12, lines 25-38; column 18, lines 10-67; col 28, lines 45-60” which states:

user profiles include an associative attribute that records the user's **relevance feedback on all target objects in the system**, the rapid profiling procedure can rapidly form a rough characterization of a **new user's interests by soliciting the**

user's feedback on a small number of significant target objects, and perhaps also by determining a small number of other key attributes of the new user, by on-line queries, telephone surveys, or other means. (emphasis added).

Herz in no way provides an element of "trade-off questions," much less so as "trade-off questions" to be used as a determinant of consumer preferences. Herz bluntly asks for "feedback" on a small number of "significant" target objects. In essence, Herz asks users to rate an object itself, and provides no mechanism to obtain consumer trade-off answers relating to attributes. Knowing that a consumer likes or dislikes an attribute is not the same thing as knowing consumer trade-off assessments. Herz does not teach or otherwise mention trade-off inquiry and/or determinations from trade-offs. As such, Herz is wholly ignorant and incapable of discerning how different products' attributes' trade-offs (inter)relate. The ability to relate, assess and otherwise make determinations of consumer trade-off valuations and/or assessments of various attributes present in the aforementioned claimed elements is simply not present in Herz.

Furthermore, in one embodiment, Applicant's claimed trade-offs can derive the importance of attributes by explicitly including elements in the trade-off; e.g. for a vacation "sun/sea" with "4-star resort" vs. "mountains" with "3-star lodge". In such an example embodiment, the trade-off can be used to accurately estimate the importance of location (sun/sea vs. mountains) and accommodation type. In contrast to the claimed embodiments, Herz does not allow you to disentangle the rating/feedback regarding the object from various attributes underlying the object. Herz ignores the aspects/attributes of rated objects, which may affect a consumer's opinion/preferences.

Consequently, the reference(s) cited by the office action do not result in the claimed invention, there was/is no motivation for such a combination of references (i.e., cited

references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed inventions are not admitted to be prior art. Thus, the Applicant respectfully submits that the supporting remarks and claimed inventions, claims 1-33, 39-71, all: overcome all rejections and/or objections as noted in the office action, are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicant believes that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements were not discussed, Applicant asserts that all such remaining and not discussed claim elements, all, also are distinguished over the prior art and reserves the opportunity to more particularly remark and distinguish such remaining claim elements at a later time should it become necessary. Further, any remarks that were made in response to an Examiner objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to another Examiner objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim elements, and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicant does not concede that any claim elements have been anticipated and/or rendered obvious by any of the cited reference(s). Accordingly, Applicant respectfully requests allowance, and the reconsideration and withdrawal of the rejection(s) and/or objection(s).

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. B01.002.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. B01.002

Respectfully submitted,
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